

Maintaining Private Roads

Under State law, it is illegal for municipalities to expend public funds on the maintenance of private roads and bridges. Therefore, it is up to various landowners and "road associations" to maintain their own roads. The giant problem has always been trying to get everyone to pay their fair share towards the maintenance costs.

Recent amendments to State law now give road associations a better, legal method of ensuring that the non-payers will pay their equal share. The law can be found in Title 23, MRSA§ 3101 et seq., as amended by the Legislature. As signed by the Governor on April 3, 1998 under PL 1997, c. 682, Road associations can now collect the appropriate fees from landowners. Here are some details:

- This law only applies to those private roads and bridges which benefit 4 or more parcels, as long as at least 3 of the parcels are owned by different persons;
- A "commissioner" may be chosen and this person has the same powers of a road commissioner;
- at a public meeting, the owners can determine what repairs are necessary and the amount of money to be paid by each owner;
- if certain landowners neglect to pay their share, that amount, plus the costs of suit and reasonable attorney fees, may be recovered in a civil action;
- the landowners may enter into contracts for a year or less for road and bridge repair and may appoint an assessor to assess each owner proportionately, with the assessment to be made by warrant and given to the commissioner for collection in the same manner in which municipal taxes are collected; and,
- the collected money is for the use of the owners on road and bridge maintenance.

Reviewed and edited by MMA Staff Attorney, Jim Katsiaficas-- Dec. 99